

# ARKANSAS SUPREME COURT

No. CR 07-240

ROBERT C. TAYLOR  
Appellant

v.

STATE OF ARKANSAS  
Appellee

Opinion Delivered April 5, 2007

PRO SE MOTION FOR  
APPOINTMENT OF COUNSEL  
[CIRCUIT COURT OF DREW  
COUNTY, CR 2004-12, HON. SAMUEL  
B. POPE, JUDGE]

MOTION DENIED.

## PER CURIAM

A jury found appellant Robert C. Taylor guilty of five counts of first-degree forgery and one count of first-degree continuing criminal enterprise in connection with the possession and uttering of counterfeit money. The Arkansas Court of Appeals reversed as to the continuing enterprise count and affirmed as to the forgery counts. *Taylor v. State*, 94 Ark. App. 21, \_\_\_ S.W.3d \_\_\_ (2006). The trial court entered an amended judgment that reflects the conviction as to the forgery charges and indicates appellant received an aggregate sentence of 240 months' imprisonment in the Arkansas Department of Correction. Appellant filed a pro se petition for postconviction relief under Ark. R. Crim. P. 37.1, which, following a hearing, was denied. Appellant, continuing pro se, has lodged an appeal of that order in this court, and now before us is appellant's motion for appointment of counsel.

In his motion, appellant requests that we appoint counsel to represent him on appeal, averring that he is indigent, and that he has no access to a typewriter or legal materials as a result of his

incarceration. He has not, however, addressed the merits of his appeal. We note that pro se briefs may be handwritten under Ark. Sup. Ct. R. 4-7, and that, while, undoubtedly, incarceration may present some difficulties in accessing legal reference materials, those materials are generally available to the prisoners who submit pro se pleadings to this court on a regular basis.

Nor does the fact that an appellant is indigent, without more, provide a basis for appointing counsel. There is no constitutional right to an attorney in state postconviction proceedings. *Hardin v. State*, 350 Ark. 299, 86 S.W.3d 384 (2002) (per curiam). Right to counsel ends in this state after the direct appeal of the original judgment of conviction is completed, and the State is not obligated to provide counsel in postconviction proceedings. *Id.* at 301, 86 S.W.3d at 385.

This court has held, however, that if an appellant makes a substantial showing that he is entitled to relief in a postconviction appeal and that he cannot proceed without counsel, we will appoint counsel. *See Howard v. Lockhart*, 300 Ark. 144, 777 S.W.2d 223 (1989) (per curiam). As appellant makes no statement as to the merit of the appeal, we cannot find that he has demonstrated counsel should be appointed for this appeal. Accordingly, the motion for appointment of counsel is denied.

Motion denied.